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UNCLAS SECTION 01 OF 07 KYIV 000178

SIPDIS

STATE FOR, DRL/ILCSR FOR SMORGAN, G/TIP FOR LCDEBACA
DOL/ILAB FOR LSTROTKAMP, RRIGBY, TMCCARTER

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [KTIP](#) [PHUM](#) [SOCI](#) [SIPDIS](#) [USAID](#) [UP](#)
SUBJECT: INFORMATION ON CHILD LABOR AND FORCED LABOR FOR
DOL CONGRESSIONAL REPORTING REQUIREMENTS

REF: SECSTATE 131995

TASK 1/TVPRA

[1](#)1. (U) Post responded to prior taskings, and does not have
information on additional goods for the Ukraine TVPRA list.

TASK 2/TDA

2A. PREVALENCE AND SECTORAL DISTRIBUTION OF EXPLOITIVE CHILD LABOR

[1](#)1. (U) According to the 2006 ILO-IPEC Rapid Assessment Survey on the
Use of Child Labor (RAS), exploitive child labor most commonly
occurs in street trade, entertainment services (bars, night clubs),
sexual exploitation (prostitution, pornography) and other illicit
activities, including forced begging.

[1](#)2. (U) GOU did not perform a formal collection of data on exploitive
child labor in 2009.

2B. LAWS AND REGULATIONS

[1](#)1. (U) In January 2009, Article 150*1 of the Criminal Procedural
Code of Ukraine was amended to increase the penalty for criminals
convicted of using minors for begging. The sentence was set at five
years of imprisonment, or ten years if aggravating circumstances
were involved. This was a definite improvement over the original
wording of Article 150, which was vague and had not strictly defined
'exploitation'.

In March, 2009, the GOU enacted a State program entitled "National
Action Plan to Implement UN Convention of the Rights of the Child".
This plan includes a series of concrete steps and benchmarks for
putting the laws concerning children's rights into practice, with a
timeline running from 2010 to 2016. Due to limited levels of
enforcement of existing laws, this is a positive development.

Cabinet of Ministers Order No. 1263, enacted on October 21, 2009,
allocated funding in the amount of UAH 63,000 (USD 7,875) to set up
a national monitoring system to eliminate child labor (Chapter 4.6
of the National Action Plan), and UAH 940,000 (USD 117,500) to
efforts against trafficking-in-persons, sexual exploitation, and
violence against children (Chapter 4.7 of the National Action Plan).
This is regarded as a positive first step, but nothing more, as the
funding levels are too low to achieve significant results.

[1](#)2. (U) Ukraine's legal and regulatory framework is sufficient to
address exploitive child labor. However, enforcement of the laws in
this area is sorely lacking. Spot inspections can only detect a

small percentage of violations, and a pervasive culture of corruption enables employers to avoid liabilities by bribing regulators and law enforcement officials to ignore violations.

2C. INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT

2C, Section I: Hazardous child labor

¶1. (U) Enforcement of laws relating to hazardous child labor is the shared responsibility of six separate agencies: the Ministry of Labor and Social Policy and its State Labor Inspectorate, Occupational Safety and Health Inspectorate, the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA), the Ministry of Family, Youth and Sport Department on Adoption and Children's Rights Protection, the Prosecutor General's Office, and the Security Service of Ukraine (SBU).

¶2. (U) These six agencies regularly exchange information by holding joint meetings and sending case data via inter-office mail to foster cooperation at various stages of investigation and prosecution. There are no shared electronic databases among enforcement bodies, and the shortage of funds negatively affects cooperation, but the strong inter-agency relationships allow this system to have a positive impact.

¶3. (U) In October 2009, the SBU established a telephone hotline for reporting sexual exploitation of minors via the Internet, as part of their Department to Protect Against Cybercrime. Statistics on the number of complaints received in 2009 have not been released. For other cases of hazardous labor, there are no special reporting

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mechanisms. Interested parties can file reports with any GOU agency.-Oc'Qity.

This number of inspectors is not considered adequate, given the lack of transportation and other resources.

¶6. (U) Over 20,000 labor inspections were conducted in 2009, and 347 of them found instances of child labor. Inspections were carried out in all sectors of the economy. The number of inspections, roughly two per inspector per month, was not adequate.

¶7. (U) 682 child victims were assisted in 2009. Generally, the employers were fined, and criminal cases were opened if the exploitation was deemed serious. Services were usually not provided to the exploited children by labor inspectors, however the children were referred to the appropriate services as per their needs.

¶8. (U) 34 criminal cases were opened between January and April 2009 for exploitive child labor, in addition - 17 cases were filed against adults accused of forcing children to g/Q `QQ of exploitive child labor cases resolved is not available for 2009.

¶10. (U) Information on the number of convictions reached in exploitive child labor cases was not available for 2009.

¶11. (U) Information on the average length of time required to resolve exploitive child labor cases was not available for 2009.

¶12. (U) Information on the application of penalties against those found guilty of exploitive child labor violations was not available for 2009.

¶13. (U) The Ukrainian government's commitment to combat exploitative child labor is shown by its adoption of the "National Action Plan to Implement UN Convention of the Rights of the Child."

¶14. (U) The GOU offers labor inspectors training on child labor issues. The curriculum includes training in how to handle the discovery of exploitive child labor. During their careers, inspectors receive additional training at the regional level. Also, the police officers are provided with the child labor trainings at the Academy of Interior as part of their certification process. In 2009, the International Program on the Elimination of Child Labor

